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Patent
Case No.: 58446US002

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

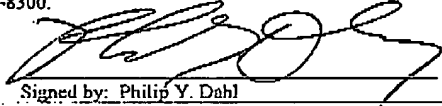First Named Inventor: MEKALA, DAVID R.

Application No.:   10/666626   Confirmation No.:   9235

Filed: September 18, 2003

Title: FUEL CELL GAS DIFFUSION LAYER

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

> CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR § 1.8(a)]
> I hereby certify that this correspondence is being:
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>
> September 29, 2006
> Date   Signed by: Philip Y. Dahl

Dear Sir:

This is in response to the Office Action mailed August 29, 2006. Claims 1 - 30 are pending. Claims 1 - 30 were restricted under 35 USC § 121 as follows:

I.   Claims 1 - 12 are said to be drawn to a fuel cell gas diffusion layer, classified in Class 429, subclass 39;

II.   Claims 13 - 30 are said to be drawn to a method of making a gas diffusion layer, classified in Class 429, subclass 13.

Election

In response, Applicants elect Group I, with traverse.

Reconsideration and withdrawal or modification of the restriction requirement is respectfully requested.

Applicants submit that the claims of Groups I and II are so interrelated that a search of one group of claims will reveal art to the other. Moreover, the classification of the claims of Groups I and II in different subclasses is not necessarily sufficient grounds to require restriction.

Were restriction to be effected between the claims in Groups I and II, a separate examination of the claims in Groups I and II would require substantial duplication of work on the